

**THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, FEBRUARY 20, 2012 AT 9:30 A.M.**

MEMBERS PRESENT WERE NORMAN VOYLES, BRIAN GOSS, AND DON ADAMS. BRENDA ADAMS, COUNTY AUDITOR, DEB VERLEY, ADMINISTRATIVE ASSISTANT, AND PETE FOLEY, COUNTY ATTORNEY, WERE ALSO PRESENT.

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER.

NORMAN VOYLES CALLED THE MEETING TO ORDER.

**4-H WEEK PROCLAMATION**

Rena Sheldon, Morgan County Extension Office, introduced Tori Gilbert, a junior at Mooresville High School, a nine-year member of 4-H, and a 4-H Ambassador. Ms. Gilbert read the proclamation declaring February 26 through March 3, 2012 as 4-H Week. The proclamation states that Morgan County 4-H reaches 831 young people through 29 local clubs, and over 760 students through school enrichment programs. The proclamation states that the Morgan County Board of Commissioners wish to encourage young people to become active in 4-H to empower them to become independent and participating members of their family and community and pursue their future careers. Don Adams made a motion to approve the proclamation. Motion seconded by Brian Goss. Motion carried 3-0.

**CONSTRUCTION ENGINEERING AGREEMENT** – *Landersdale Trail*

Norman Voyles stated that DLZ submitted an agreement for construction engineering services for the Landersdale Trail, Phase I project. Don Adams mentioned the need to move a fire hydrant in the area and his concerns with fire protection while this occurs. Larry Smith stated that this agreement does not address moving the fire hydrant. Don Adams made a motion to approve the agreement. Seconded by Brian Goss. Motion carried 3-0.

**APPOINTMENT** – *Lake DeTurk Conservancy District*

Pete Foley stated that he is the attorney for the petitioners of the conservancy district. The district will consist of the platted lots in the subdivision of Shireman Estates, the lake, and the dam. Ten years ago, the residents sued Ozark Fisheries for failure to maintain the amenities. The suit was resolved in a settlement and the residents petitioned for a conservancy district. There is no homeowner's association that would collect dues to take care of the dam and the lake. The conservancy district was petitioned through Morgan County Circuit Court. The petition was referred to the Natural Resources Commission, a division of DNR, and they provided a detailed report on the need for the district and whether it is viable. The final hearing was held February 6, 2012 and the Order Establishing the Conservancy District was issued. The initial board for the district is appointed by the Board of Commissioners. There are five areas in the conservancy district and each board member must live in that area. The five positions have staggered terms. Elections would be held thereafter. Once the district is established and the board meets, they would work on a district plan that is due within 120 days. The plan goes before the NRCS for review and back to the judge for review. Once the plan is established, the district will establish a budget that will be reviewed by the Morgan County Council. The petitioners submitted a resolution recommending five individuals for the initial appointments as follows: Area 1, Rodney Baker; Area 2, John McGauley; Area 3, Anna Radue; Area 4, Glenn Russell; Area 5, Dean Roberson. Brian Goss made a motion to approve the Resolution to Appoint the Initial Board of Directors of the Lake DeTurk Conservancy District. Seconded by Don Adams. Motion carried 3-0.

**INCOMeworks SOFTWARE AGREEMENT**

Brenda Brittain, Morgan County Assessor, stated that 2012 is a reassessment year. Commercial property is assessed one of three ways; income, sales, or cost. In order to use the income approach, they need income statistics on commercial properties that have been sold. The software program from IncomeWorks gives them access to a database that contains sale information on many types of income properties that have been sold, from funeral homes to gas stations. This is a one-year contract and the assessor's office has tried several different programs on a month-to-month basis. This program has statistics in the right area. The annual cost is \$14,250 and it will be paid for from the reassessment fund. Brian Goss made a motion to approve the agreement with IncomeWorks. Seconded by Don Adams. Motion carried 3-0.

**APPOINTMENT** – *Redevelopment Commission*

Don Adams made a motion to appoint Jeff Quyle, Jim Shields, and Ron Wright to the Morgan County Redevelopment Commission. Seconded by Brian Goss. Motion carried 3-0.

### **FIXED ASSETS ORDINANCE – 2<sup>nd</sup> Reading**

Norman Voyles stated that at the last meeting, the Board approved raising the fixed assets threshold from \$5,000 to \$10,000. Brian Goss made a motion to approve the Ordinance Amending Ordinance No. 1-2-11 and Ordinance No. 1-2-11.1, an Ordinance Establishing Records for Fixed Assets. Seconded by Don Adams. Motion carried 3-0.

### **MINUTES**

Don Adams made a motion to approve the minutes of the February 6, 2012 meeting. Seconded by Brian Goss. Motion carried 3-0.

### **ROAD NAME**

Don Adams made a motion to approve the Windward as a road name for a new private road in Harrison Township off of Banta Road. Seconded by Brian Goss. Motion carried 3-0.

### **REQUEST TO USE COURTHOUSE SQUARE**

Lanny Andrews, Morgan County Farmers' Market Secretary, sent a letter requesting the use of the west side of the Courthouse Square for a Farmers' Market on May 5<sup>th</sup> and 19<sup>th</sup> and all Saturdays from June 2<sup>nd</sup> through October 27<sup>th</sup> from 8 am till 1 pm. Don Adams made a motion to approve the request. Seconded by Brian Goss. Norman Voyles noted that the Board would need their certificate of insurance on file. Motion carried 3-0.

### **REQUEST TO USE ADMINISTRATION BUILDING**

Norman Voyles stated that he received a request from a state candidate to use the Lucille Sadler Room for a town hall/meet the candidate type meeting. There was discussion about needing a policy for this type of situation since the Board hadn't received a request like this before. Pete Foley stated that first amendment rights would have to be considered. Don Adams stated that he did not want it to appear that the county was in favor of one candidate over another. Mr. Voyles stated that he did not know if this would also be a fund raising event. Mr. Foley stated that there could be situations that could come up that the Board is not thinking of right now that could come into play that may not be intended. Don Adams stated that he would like to give more thought to the request and made a motion to table the request. Seconded by Brian Goss. Motion carried 3-0.

### **SHERIFF / JAIL UPDATE**

Sheriff Robert Downey stated that there are currently 297 inmates at the jail; 228 males and 69 females. Eight inmates are on work release, 4 males and 4 females, and 23 inmates are on the jail corrections crew, 19 males and 4 females. There are 26 DOC inmates; 18 males and 8 females. There have been 1,154 calls for service.

Sheriff Downey stated that there is a sewer problem in the old section of the jail. Part of the sewer line has dropped 4" to 6" in some places. The inmates have put anything imaginable down the toilets, but the dropped line has caused even more of a problem. He will be asking the Council for funds to put in bigger clean outs and to put pins in the older toilets to prevent items from being flushed.

### **HIGHWAY UPDATE**

Jimmy Waggoner, Acting Highway Superintendent and self-declared SWAT (Severe Weather Attack Team) captain, stated that this is the first time in 37 years that the highway department has not plowed any snow the whole season; although they are receiving calls that the snowplows are knocking over mailboxes. Crews are cutting trees, ditching, filling potholes with cold mix, and hoping the weather trend continues.

### **ENGINEER UPDATE**

Larry Smith, Morgan County Highway Engineer, stated that INDOT has requested approval of the Unofficial Local Detour for SR 39 from East CR 1000 South (Greencastle Road) to Gasburg Road to Keller Hill Road, and back to Gasburg Road to SR 42. The approval letter states that the county does not have any eligible expenses to submit for reimbursement as a result of the unofficial detour. The construction that caused the detour took place from April 4, 2011 to November 3, 2011. Mr. Smith stated that he was unaware of any damage to county roads from the detour. Brian Goss made a motion to approve the letter. Seconded by Don Adams. Motion carried 3-0.

Mr. Smith stated that the dam repair and spillway construction at Lake Edgewood are almost complete. He contacted the contractor regarding the damages on North Shore Drive and they will repair this when the asphalt plant opens. Mr. Smith stated that he had a letter from Christopher Burke Engineering regarding the damage to the road across the dam. The letter states that they will cover costs up to \$5,000. The costs so far, without asphalt, are between \$65,000 and \$70,000. Brian Goss stated that in previous meetings, Christopher Burke Engineering has made it clear that

they do not feel responsible for the damages. Jimmy Waggoner stated that the contractor was to be monitoring the effect lowering the lake had on the roadway. Pete Foley stated that the responsible party would be the conservancy district as the owner of the land, which then might have a claim against the contractor. Mr. Foley stated he would research the legal rights and obligations and report back.

**ADJOURNMENT**

Brian Goss made a motion to adjourn the meeting. Seconded by Don Adams. Motion carried 3-0.

Morgan County Board of Commissioners

---

Norman Voyles

---

Brian Goss

---

Don Adams

Attest:

---

Brenda Adams, Morgan Co. Auditor